IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION (L) NO. 88 OF 2006

IN

WRIT PETITION NO. 498 OF 1998

Ramaswami Krishnan .. Petitioner

V/s

Life Insurance Corporation of India and Anr. .. Respondents

Applicant in person.

Ms. Snehal Paranjape for Respondent No.1.

CORAM : H.L. GOKHALE & A.S. OKA, JJ.

DATE : 20th September 2006

P.C. :

1. Heard the Petitioner in person. Ms.Paranjape appears for Respondent No.1.

2. Petition seeks review of the order passed by this Bench on 14th February 2006 on Writ Petition No.498 of 1998. The Petitioner herein had filed that writ petition principally for two-fold prayers; one was for denial of promotion which, according to him, he was entitled to, and alternatively he had prayed for stagnation increment. A reply was filed by Respondent

No.1. The Petitioner had engaged an advocate who was heard so also the counsel for Respondent No.1. After hearing the counsel for both the parties, we were of the view that the prayer for promotion could not be considered and we also specifically held that in the facts of the case, it would not be proper for the High Court to interfere with the subjective decision of the authority in declining promotion to the Petitioner.

3. We, however, felt that as far as denial of stagnation increment was concerned, the standard of assessing the merit will not be as strict as in the case of consideration for promotion. We also noted the factors favourable to the Petitioner. We therefore directed the Respondents to examine the claim of the Petitioner once again and take a decision considering the overall record whether he should be granted stagnation increment. The above decision was to be taken within 3 months. We are told that it took one month more. The fact however remains, as stated by Ms.Paranjape, that the Petitioner was granted a stagnation increment. He has already been granted the consequential adjustment in the salary and the retirement benefits. He has accordingly been paid an amount of about Rs.28,800/-. He will also get a corresponding increase in the pension. The Petitioner does not dispute the correctness of the amount which has

been paid to him. He however states that he should have been given the increment in the year 1995 and not in 1997. Ms.Paranjape appearing for Respondent No.1 states that the Committee in charge has looked into the record and has taken the decision that the Petitioner is eligible to receive the stagnation increment for the year 1997. Accordingly the payments have been made.

4. The Petitioner states that he ought not to have been denied the promotion which he has claimed in the petition. As far as that prayer is concerned, we had examined it when we decided the matter and we do not think that there was any error on our part so as to require a review of the judgment that we have rendered. Review Petition is therefore rejected.

(H.L. GOKHALE, J.)

(A.S. OKA, J.)